

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-SECOND DAY — TUESDAY, APRIL 11, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 156).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

The invocation was offered by Dr. Lewis Lee, pastor, San Antonio Baptist Association, San Antonio, as follows:

Our Heavenly Father, we bow in your presence today with praise and gratitude. We praise you for being the gracious and caring God you are. We hallow your name and give thanks to you for your mercy and your truth.

As we praise and thank you, however, we also come before you with petition for ourselves and for others. I particularly pray today for the members of this house of representatives, their colleagues in the senate, and the governor of our state. I pray you will strengthen them with the power and presence of your holy spirit, that Christ may dwell in their hearts by faith, and that they may be rooted and grounded in love like unto the love of our Lord. I pray you will give them your wisdom as they make decisions that affect the lives of all citizens of this state. I pray you will help them make decisions that are in the best interests of all our citizens and to be above making decisions that reflect special interests and single-issue pressures.

With confidence that you will respond positively to this prayer, as we allow ourselves to be sensitive to your leadership, I pray this prayer in the name of him whose resurrection we celebrate this week. May his vibrant presence be sensed by all of us. Amen.

MESSAGE FROM THE SENATE

Austin, Texas, April 11, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 120 by Patterson, Jerry, in memory of Joe Manor.

SB 115 by Harris, Chris, relating to the suspension of certain licenses for failure to pay child support.

SB 117 by Harris, Chris, relating to the suspension of certain licenses for failure to pay child support.

SB 262 by Leedom, relating to reports of, and suits for the protection of, abused children; providing a criminal penalty.

SB 294 by Moncrief, relating to certain offenses involving combinations or criminal street gangs.

SB 337 by Zaffirini, relating to requiring the use of protective helmets for bicycle safety.

SB 440 by Montford, et al., relating to procedures for applying for a writ of habeas corpus by persons convicted of a felony and procedures for the compensation and appointment of counsel to represent certain persons charged with a capital felony.

SB 513 by Moncrief, relating to the requirement that a facility accepting a prospective voluntary inpatient mental health consumer for treatment have a physician's signed order.

SB 641 by Montford, relating to administration and collection of certain insurance taxes.

SB 670 by Armbrister, relating to expenses of state agencies and the compensation, expenses, and conditions of employment of state officers, employees, and other workers.

SB 707 by Rosson, relating to the accessibility of certain paints to business patrons in certain municipalities.

SB 731 by Galloway, relating to the authority to dissolve the Oak Ridge Municipal Utility District and the assumption of its assets and obligations by a municipality.

SB 771 by Moncrief, relating to the authority of a county to lease real property to certain organizations and to the procedures for such leases.

SB 1103 by Henderson, relating to the authority of certain counties to designate areas as scenic districts and to regulate various activities in the districts; providing a penalty.

Respectfully,
Betty King
Secretary of the Senate

CAPITOL PHYSICIAN

Speaker Laney presented Dr. J. P. McCurdy of Marble Falls as the "Doctor for the Day."

The house welcomed Dr. McCurdy and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolutions:

HCR 51, HCR 52, HCR 118, HCR 138, HCR 140

HR 576 - ADOPTED

Representative Greenberg moved to suspend all necessary rules to take up and consider at this time **HR 576**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Greenberg,

HR 576, Recognizing April 11, 1995, as Adult Day Care Day in Texas.

The resolution was read and was adopted without objection.

**SCR 116 - ADOPTED
(Berlanga - House Sponsor)**

Representative Berlanga moved to suspend all necessary rules to take up and consider at this time **SCR 116**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 116, In memory of Selena Quintanilla-Perez.

The resolution was read and was unanimously adopted by a rising vote.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a personal emergency:

Thompson on motion of Gutierrez.

HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Naishtat, Combs, Dukes, Greenberg, and Maxey,

HB 3205, A bill to be entitled An Act relating to the manner in which the Clerk of the Municipal Court of Austin is required to file and maintain original complaints and other court papers.

To Committee on Judicial Affairs.

By Denny and Madden,

HB 3206, A bill to be entitled An Act relating to the authority of a county to adopt zoning and building construction ordinances for the areas around Lake Lavon; providing a criminal penalty.

To Committee on Land and Resource Management.

By Rangel,

HB 3207, A bill to be entitled An Act relating to the exemption of certain personal property from seizure for the satisfaction of debts.

To Committee on Financial Institutions.

By Brimer,

HB 3208, A bill to be entitled An Act relating to requiring safety chains for certain vehicles towing trailers.

To Committee on Transportation.

HOUSE JOINT RESOLUTION ON FIRST READING

The following house joint resolution was today laid before the house, read first time, and referred to committee:

By Kamel,

HJR 129, A joint resolution proposing a constitutional amendment to authorize the issuance of general obligation bonds to finance the acquisition, construction, improvement, and maintenance of classrooms and classroom buildings at public institutions of higher education.

To Committee on Financial Institutions.

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

By Edwards, Rabuck, Howard, Wohlgemuth, Talton, et al.,

HCR 158, Directing the State Preservation Board to restore the Capitol chapel.

To Committee on House Administration.

By Ramsay and Averitt,

HCR 161, In memory of M. A. "Catfish" Smith.

To Committee on Rules and Resolutions.

By Alexander,

HR 571, Congratulating the La Rue La Poynor High School boys' basketball team on winning the 1995 Class 2A state championship.

To Committee on Rules and Resolutions.

By Denny,

HR 572, Congratulating Bill Calmes on his retirement.

To Committee on Rules and Resolutions.

By Hightower,

HR 573, Honoring Betty Tackett on the occasion of her retirement as Walker County district clerk.

To Committee on Rules and Resolutions.

By Van de Putte,
HR 574, In memory of Alfred Abramson.
To Committee on Rules and Resolutions.

By Counts,
HR 575, Honoring Judge Weldon Kirk for his designation as Texas'
Outstanding Jurist for 1994.
To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time,
and referred to committees:

SB 5 to Committee on Public Education.

SB 74 to Committee on County Affairs.

SB 161 to Committee on Juvenile Justice and Family Issues.

SB 226 to Committee on Land and Resource Management.

SB 298 to Committee on Natural Resources.

SB 390 to Committee on Land and Resource Management.

SB 538 to Committee on Licensing and Administrative Procedures.

SB 640 to Committee on Ways and Means.

SB 651 to Committee on Energy Resources.

SB 680 to Committee on Elections.

SB 727 to Committee on Higher Education.

SB 773 to Committee on Higher Education.

SB 786 to Committee on Higher Education.

SB 855 to Committee on Pensions and Investments.

SB 875 to Committee on Higher Education.

SB 888 to Committee on Elections.

SB 896 to Committee on Transportation.

SB 914 to Committee on Licensing and Administrative Procedures.

SB 921 to Committee on Transportation.

SB 934 to Committee on County Affairs.

SB 944 to Committee on Higher Education.

SB 992 to Committee on Land and Resource Management.

SB 1013 to Committee on Urban Affairs.

SB 1019 to Committee on Appropriations.

SB 1061 to Committee on Judicial Affairs.

SB 1062 to Committee on Judicial Affairs.

SB 1070 to Committee on House Administration.

SB 1098 to Committee on Public Health.

SB 1117 to Committee on Agriculture and Livestock.

SB 1236 to Committee on Licensing and Administrative Procedures.

SB 1241 to Committee on County Affairs.

SB 1320 to Committee on Higher Education.

SB 1327 to Committee on Land and Resource Management.

SB 1328 to Committee on Land and Resource Management.

SB 1366 to Committee on County Affairs.

SB 1367 to Committee on County Affairs.

SB 1371 to Committee on Environmental Regulation.

SB 1414 to Committee on Licensing and Administrative Procedures.

SB 1486 to Committee on Public Health.

SB 1607 to Committee on Natural Resources.

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

SCR 20, Requesting the comptroller of public accounts to conduct a performance review to determine if state agencies that provide services to children should be combined or overseen by a single board or agency.

To Committee on Ways and Means.

SCR 101, Designating the battleship *Texas* as the official State Ship of Texas.

To Committee on State, Federal, and International Relations.

HB 3209 - PERMISSION TO INTRODUCE

Representative Serna moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3209**.

A record vote was requested.

The motion prevailed by (Record 157): 137 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King;

Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wolens; Yarbrough.

Present, not voting — Mr. Speaker(C); Rhodes; Wohlgemuth.

Absent, Excused — Thompson.

Absent — Alexander; Alvarado; Dukes; Marchant; Oakley; Willis; Woolley; Yost; Zbranek.

HB 3210 - PERMISSION TO INTRODUCE

Representative Hamric moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3210**.

A record vote was requested.

The motion prevailed by (Record 158): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davila; Davis; De La Garza; Dear; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirsch; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Alvarado; Danburg; Delisi; Greenberg; Hudson; Woolley; Yost.
(Torres in the chair)

(Speaker in the chair)

CSHB 1087 - VOTE RECONSIDERED

Representative Berlanga moved to reconsider the vote by which **CSHB 1087** failed to pass to engrossment on Monday, April 10.

The motion to reconsider prevailed.

CSHB 1087 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1087**.

CSHB 1087, A bill to be entitled An Act relating to a county strategic plan.

Amendment No. 3

Representative H. Cuellar offered the following amendment to **CSHB 1087**:

Amend **CSHB 1087** as follows:

(1) On page 1, line 11, strike "shall" and insert "may".

(2) On page 1, line 12, insert the following after the period: "The commissioners court may elect to abandon a plan or discontinue its participation under this chapter at any time. A strategic plan may not impair or restrict the constitutional or statutory powers of an elected or appointed county official"

(3) On page 1, line 13, strike "shall" and insert "may".

(4) On page 2, line 17, strike "shall" and insert "may".

(5) On page 2, line 22, strike "shall send two" and insert "may send".

(6) On page 3, line 6, strike "shall" and insert "may".

(7) On page 4, line 16, strike "shall provide the information in a timely manner." and insert "may provide the information."

Amendment No. 3 was adopted without objection.

CSHB 1087, as amended, failed to pass to engrossment. (B. Hunter and Talton recorded voting no)

HCR 157 - ADOPTED

Representative Harris moved to suspend all necessary rules to take up and consider at this time **HCR 157**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Harris,

HCR 157, In memory of Pearland Mayor C. V. "Vic" Coppinger.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Uher, the names of all the members of the house were added to **HCR 157** as signers thereof.

HJR 64 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HJR 64**.

CSHJR 64, A joint resolution proposing a constitutional amendment exempting from ad valorem taxation the residence homestead of the surviving spouse of an elderly person.

A record vote was requested.

CSHJR 64 was read second time and was adopted by (Record 159): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Allen; Dukes; Goolsby; Horn; Krusee; Reyna.

HB 2313 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 2313, A bill to be entitled An Act relating to abolition of the Lamar University System, the transfer of the institutions in that system to the Texas State University System, and to the composition of the board of regents of the Texas State University System.

A record vote was requested.

The bill was read third time and was passed by (Record 160): 141 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes;

Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Willis; Wilson; Wolens; Woolley; Yarbrough; Yost.

Nays — Lewis, R.; Williamson; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Davila; Hudson; Uher; Wohlgemuth.

HB 835 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 835, A bill to be entitled An Act relating to violation of speed limits required by federal law.

A record vote was requested.

The bill was read third time and was passed by (Record 161): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzhauser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Carona; Hudson; Seidlits; Williamson.

STATEMENT OF VOTE

When Record No. 161 was taken, I was temporarily out of the house chamber. I would have voted yes.

Carona

HB 1648 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1648, A bill to be entitled An Act relating to the criminal jurisdiction of justice courts.

The bill was read third time.

Representative Place moved to postpone consideration of **HB 1648** until the end of the calendar.

The motion prevailed without objection.

HB 1086 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1086, A bill to be entitled An Act relating to disqualification for the receipt of unemployment compensation benefits based on the receipt of certain periodic payments.

A record vote was requested.

The bill was read third time and was passed by (Record 162): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Conley; Cook; Corte; Counts; Crabb; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Yarbrough; Yost; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Brady; Combs; Craddick; Hirschi; Hudson; Janek; Solomons; Woolley.

STATEMENTS OF VOTE

When Record No. 162 was taken, I was temporarily out of the house chamber. I would have voted yes.

Craddick

When Record No. 162 was taken, I was temporarily out of the house chamber. I would have voted yes.

Woolley

HB 1689 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1689, A bill to be entitled An Act relating to training for members of the governing boards of public institutions of higher education.

A record vote was requested.

The bill was read third time and was passed by (Record 163): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Chisum; Hudson; Mowery; Price; Saunders; Uher.

HB 1146 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1146, A bill to be entitled An Act relating to tuition and fees at a public institution of higher education for a nonresident student holding a competitive academic scholarship.

A record vote was requested.

The bill was read third time and was passed by (Record 164): 143 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.;

Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Seidlits; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Nixon; Smithee; Swinford.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Hudson; Saunders.

HB 1115 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1115, A bill to be entitled An Act relating to filling a vacancy on the boards of certain mass transit authorities.

A record vote was requested.

The bill was read third time and was passed by (Record 165): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Brady; Hudson; Jones, J.

HB 1605 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1605, A bill to be entitled An Act relating to the licensing of insurance agents.

The bill was read third time.

Amendment No. 1

Representative T. Hunter offered the following amendment to the bill:

Amend **HB 1605** on third reading as follows:

(1) In Section 3 of the bill, in amended Section 1A, strike "In this Article [Act]" and substitute "In this Act,".

(2) In Section 3 of the bill, in amended Section 1A, strike "as used in this Article" and substitute "as used in this Act".

(3) In Section 4 of the bill, in the first sentence of amended Section 1B, strike "In this Article" and substitute "In this Act".

(4) In Section 4 of the bill, in the second sentence of amended Section 1B, strike "under this Article" and substitute "under this Act".

(5) In Section 4 of the bill, in the last sentence of amended Section 1B, strike "of this Article" and "under this Article" and substitute "of this Act" and "under this Act" respectively.

(6) In Section 5 of the bill, in amended Subsection (c), strike "as used in this Article" and substitute "as used in this Act".

(7) In Section 5 of the bill, in the first sentence of amended Subsection (j), strike "In this Article" and substitute "In this Act".

(8) In Section 5 of the bill, in the section sentence of amended Subsection (j), strike "under this Article" and substitute "under this Act".

(9) In Section 5 of the bill, in the last sentence of amended Subsection (j), strike "of this Article" and "under this Article" and substitute "of this Act" and "under this Act" respectively.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 1605, as amended, was passed by (Record 166): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Dear; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran;

Hill; Hirschi; Hochberg; Holzhauser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Delisi; Ehrhardt; Hawley; Hudson; Marchant; Willis.

HB 1743 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1743, A bill to be entitled An Act relating to preservation of historic properties by certain municipalities.

The bill was read third time and was passed.

HB 875 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 875, A bill to be entitled An Act relating to the appointment to and the powers and duties of a municipal zoning board of adjustment.

The bill was read third time and was passed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Hudson on motion of Price.

HB 1127 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1127**.

CSHB 1127, A bill to be entitled An Act relating to the exemption from ad valorem taxation of the residence homestead of the surviving spouse of an elderly person.

CSHB 1127 was read second time and was passed to engrossment.

HB 2278 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2278, A bill to be entitled An Act relating to the transfer of certain facilities from the Texas Department of Criminal Justice to other state agencies.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Telford, Representative Hightower offered the following committee amendment to the bill:

Amend **HB 2278** as follows:

(1) On page 1, by striking lines 16 - 24.

(2) On page 2, line 1, strike "(d)", and substitute "(c)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hightower offered the following amendment to the bill:

Amend **HB 2278** by striking SECTION 2 AND SECTION 3 of the bill and replacing with a new SECTION 2 to read as follows:

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2 was adopted without objection.

HB 2278, as amended, was passed to engrossment.

HB 1957 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1957, A bill to be entitled An Act relating to the punishment for the offense of theft of cattle, horses, sheep, swine, goats, exotic livestock, or exotic fowl.

The bill was read second time.

Amendment No. 1

Representative Place offered the following amendment to the bill:

Amend **HB 1957** by striking SECTION 1 of the bill and substituting a new SECTION 1 to read as follows:

SECTION 1. Section 31.03, Penal Code, is amended by amending Subsection (e) and adding Subsection (g) to read as follows:

(e) Except as provided by Subsection (f), an offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than \$20;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is \$20 or more but less than \$500; or

(B) the value of the property stolen is less than \$20 and the defendant has previously been convicted of any grade of theft;

(3) a Class A misdemeanor if the value of the property stolen is \$500 or more but less than \$1,500;

(4) a state jail felony if:

(A) the value of the property stolen is \$1,500 or more but less than \$20,000, or the property is less than 10 [one or more] head of cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, [sheep, swine, or goats] or any part thereof under the value of \$20,000, or less than 100 head of sheep, swine, or goats or any part thereof under the value of \$20,000;

(B) regardless of value, the property is stolen from the person of another or from a human corpse or grave;

(C) the property stolen is a firearm, as defined by Section 46.01; or

(D) the value of the property stolen is less than \$1,500 and the defendant has been previously convicted two or more times of any grade of theft;

(5) a felony of the third degree if the value of the property stolen is \$20,000 or more but less than \$100,000, or the property is:

(A) 10 or more head of cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, stolen during a single transaction and having an aggregate value of less than \$100,000; or

(B) 100 or more head of sheep, swine, or goats stolen during a single transaction and having an aggregate value of less than \$100,000;

(6) a felony of the second degree if the value of the property stolen is \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the property stolen is \$200,000 or more.

(g) For the purposes of Subsection (a), a person is the owner of exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, only if the person qualifies to claim the animal under Section 142.0021, Agriculture Code, if the animal is an estray.

Amendment No. 1 was adopted without objection.

HB 1957, as amended, was passed to engrossment.

HB 2674 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2674, A bill to be entitled An Act relating to the charging of interest under certain agreements.

The bill was read second time.

Amendment No. 1

Representative Bosse offered the following amendment to the bill:

Amend **HB 2674** by deleting SECTION 1 in its entirety and by Substituting a new SECTION 1 as follows:

SECTION 1. Article 1.06., Title 79, Revised Statutes (Article 5069-1.06, Vernon's Texas Civil Statutes), is amended by adding a new Section (4)(D) as follows:

(4)(D) A person has no liability to an obligor for a violation of this Subtitle resulting solely from contracting for, charging or receiving the interest provided in Article 1.03 during the 30 day period set forth in such Articles.

Amendment No. 1 was adopted without objection.

HB 2674, as amended, was passed to engrossment.

HB 997 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 997, A bill to be entitled An Act relating to health insurance coverage for children who are ineligible for Medicaid.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

Representative Berlanga offered the following amendment to the bill:

Amend **HB 997** to read as follows:

On page 1, beginning at line 19, insert a new Subsection (e) as

"(e) The State Medicaid program is authorized to develop a waiver for a pilot program in one area of the state which would provide access to health insurance for children whose parents do not have access to private health insurance by using existing federal, state or local funds as well as private funds. The pilot shall include sliding scale cost-sharing by the family, to the extent possible, and shall not include any new state funds."

Amendment No. 1 was adopted without objection.

HB 997, as amended, was passed to engrossment. (Brimer, Carona, Cook, Corte, Denny, Finnell, Heflin, Hilbert, Horn, B. Hunter, Kamel, Moffat, Shields, Solomons, Talton, and B. Turner recorded voting no)

HB 1491 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1491, A bill to be entitled An Act relating to partner notification programs for persons with human immunodeficiency virus infection.

The bill was read second time.

Amendment No. 1

Representative Maxey offered the following amendment to the bill:

Amend **HB 1491** as follows:

1) On page 1, insert the following language between lines 7 and 8: "(g) A partner notification program shall be carried out as follows:"

2) On page 1, line 8, strike "(g)" and substitute "(1)"

3) On page 1, line 12, strike "." and substitute "; and"

4) On page 1, insert the following language between lines 12 and 13: "(2) A health care professional shall notify the partner notification program

when the health care professional knows the HIV+ status of a patient and the health care professional has actual knowledge of possible transmission of HIV to a third party. Such notification shall be carried out in the manner authorized in this section and Section 81.103, Health and Safety Code."

Amendment No. 1 was adopted without objection.

HB 1491, as amended, was passed to engrossment.

HB 2343 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2343, A bill to be entitled An Act relating to state loan guarantees for certain businesses.

The bill was read second time and was passed to engrossment. (Ogden recorded voting no)

HB 2344 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2344, A bill to be entitled An Act relating to state loans provided to certain businesses.

The bill was read second time and was passed to engrossment.

HB 1775 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1775**.

CSHB 1775, A bill to be entitled An Act relating to permit and license requirements for the Texas Low-Level Radioactive Waste Disposal Authority.

A record vote was requested.

CSHB 1775 was read second time and was passed to engrossment by (Record 167): 76 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Counts; Crabb; Craddick; Culbertson; Dear; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Goodman; Goolsby; Gray; Hamric; Harris; Hartnett; Heflin; Hilbert; Hill; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Kamel; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Nixon; Oakley; Ogden; Park; Patterson; Pitts; Place; Rabuck; Reyna; Saunders; Shields; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Uher; West; Williamson; Wohlgemuth; Wolens; Woolley; Yost; Zbraneck.

Nays — Alonzo; Alvarado; Bailey; Berlanga; Coleman; Conley; Corte; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Delisi; Dukes; Dutton; Ehrhardt; Farrar; Gallego; Giddings; Glaze; Greenberg; Gutierrez; Haggerty; Hawley; Hernandez; Hightower; Hilderbran; Hirschi; Hochberg; Jones, J.; King; Kubiak; Lewis, G.; Longoria; Luna; Maxey; McDonald;

Moreno; Munoz; Naishtat; Oliveira; Pickett; Price; Puente; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Sadler; Seidlits; Serna; Siebert; Solis; Telford; Tillery; Torres; Turner, S.; Van de Putte; Walker; Willis; Wilson; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hudson; Thompson.

Absent — Averitt; Edwards; Grusendorf; Junell; Ramsay; Stiles.

STATEMENTS OF VOTE

I was shown voting no on Record No. 167. I intended to vote yes.

Corte

I was shown voting no on Record No. 167. I intended to vote yes.

Siebert

REASON FOR VOTE

I am opposed to exempting any entity or organization from permits designed to protect the health and safety of our state's citizens. In particular, I am disappointed to see that the Legislature again takes an action which is in direct contravention to the best interests of Hudspeth County, the legislative district I represent, and all West Texas.

Gallego

HB 1085 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1085**.

CSHB 1085, A bill to be entitled An Act relating to the authority of counties to contract with private entities for the collection of child support.

CSHB 1085 was read second time.

Representative Reyna moved to postpone consideration of **CSHB 1085** until 10 a.m. Tuesday, April 18.

The motion prevailed without objection. (The vote on the motion to postpone was later reconsidered and **CSHB 1085** was taken up on second reading on April 12.)

HB 1648 ON THIRD READING

The speaker laid before the house, as postponed business, on its third reading and final passage,

HB 1648, A bill to be entitled An Act relating to the criminal jurisdiction of justice courts.

The bill was read third time earlier today and was postponed until this time.

Amendment No. 1

Representatives Solomons, Moffat, and Yarbrough offered the following amendment to the bill:

Amend **HB 1648** on Third Reading by adding the following appropriately numbered sections and renumbering the remaining sections appropriately:

SECTION _____. Chapter 29, Government Code, Section 29.003, is amended to read as follows:

Sec. 29.003. Jurisdiction. (a) A municipal court, including a municipal court of record, shall have ~~[has]~~ exclusive original jurisdiction within the territorial limits of the municipality in all criminal cases that:

- (1) arise under the ordinances of the municipality; and
- (2) are punishable by ~~[only]~~ a fine not to exceed:

(A) \$2,000 in all cases arising under municipal ordinances that govern fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(B) \$500 in all other cases arising under a municipal ordinance.

(b) The municipal court has concurrent jurisdiction with the justice court of a precinct in which the municipality is located in all criminal cases arising under state law that:

- (1) arising within the territorial limits of the municipality; and
- (2) are punishable only by a fine, as defined in Subsection (c) of this article ~~[not to exceed \$500]~~.

(c) In this article, an offense which is punishable by "fine only" is defined as an offense that is punishable by fine and such sanctions as authorized by statute not consisting of confinement in jail or imprisonment that are rehabilitative or remedial in nature.

(d) The fact that a conviction in a municipal court has as a consequence the imposition of a penalty or sanction by an agency or entity other than the court, such as a denial, suspension, or revocation or a privilege, does not affect the original jurisdiction of the municipal court.

(e) The municipal court has jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in criminal cases of which the court has jurisdiction.

SECTION _____. Texas Code of Criminal Procedure, Article 4.14, is amended to read as follows:

Art. 4.14. Jurisdiction of Municipal Court (a) A municipal court, including a municipal court of record, shall have exclusive original jurisdiction within the territorial limits of the municipality in all criminal cases that:

- (1) arise under the ordinances of the municipality; and
- (2) are punishable by a fine not to exceed:

(A) \$2,000 in all cases arising under municipal ordinances that govern fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(B) \$500 in all other cases arising under a municipal ordinance. (b) The municipal court shall have concurrent jurisdiction with the justice court of a precinct in which the municipality is located in all criminal cases arising under state law that:

- (1) arise within the territorial limits of the municipality; and
- (2) are punishable by fine only, as defined in Subsection (c) of this

article.

(c) In this article, an offense which is punishable by "fine only" is defined as an offense that is punishable by fine and such sanctions as authorized by statute not consisting of confinement in jail or imprisonment that are rehabilitative or remedial in nature.

(d) The fact that a conviction in a municipal court has as a consequence the imposition of a penalty or sanction by an agency or entity other than the court, such as a denial, suspension, or revocation or a privilege, does not affect the original jurisdiction of the municipal court. [All municipal courts, including all municipal courts of record, in each incorporated city, town or village of this State shall have exclusive original jurisdiction within the corporate limits in all criminal cases in which punishment is by fine only and where the maximum of such fine does not exceed \$2,000 in all cases arising under the ordinances of such city, town or village that govern fire safety, zoning, or public health and sanitation, including dumping of refuse and where the maximum of such fine does not exceed \$500 in all other cases arising under the ordinances of such city, town or village, and shall have concurrent jurisdiction with any justice of the peace in any precinct in which the city, town or village is situated in all criminal cases arising under the criminal laws of this State, in which punishment is by fine only, and where the maximum of such fine may not exceed \$500, and arising within such corporate limits:]

(e) The municipal court has jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in criminal cases of which the court has jurisdiction.

SECTION _____. Section 30.035(a), Government Code, is amended to read as follows:

Sec. 30.035. JURISDICTION. (a) A municipal court of record created under this subchapter has the jurisdiction provided by general law for municipal court ~~[within the territorial limits of the city in all criminal cases arising under the ordinances of the city].~~

(b) ~~[The court has concurrent jurisdiction with a justice of the peace in any precinct in which the city is located in criminal cases within the justice court jurisdiction that:~~

~~[(1) arise within the territorial limits of the city; and~~

~~[(2) are punishable only by fine not to exceed \$500.~~

~~[(c)]~~ The court has jurisdiction over cases arising outside the territorial limits of the municipality ~~[city]~~ under ordinances authorized by Sections 215.072, 217.042, 341.903, and 401.002 Local Government Code.

SECTION _____. Section 30.263, Government Code, is amended to read as follows:

Sec. 30.263. JURISDICTION. ~~[(a)]~~ A municipal court of record created under this subchapter has the jurisdiction provided by general law for a municipal court ~~[within the territorial limits of the city in all criminal cases arising under ordinances of the city].~~

~~[The court has concurrent jurisdiction with a justice of the peace in any precinct in which the city is located in criminal cases within the justice court jurisdiction that:~~

~~[(1) arise within the territorial limits of the city; and~~

~~[(2) are punishable only by fine not to exceed \$500.~~

SECTION _____. Section 30.653, Government Code, is amended to read as follows:

Sec. 30.653 JURISDICTION. (a) A municipal court of record created under this subchapter has the jurisdiction provided by general law for a municipal court ~~[within the territorial limits of the city in all criminal cases arising under ordinances of the city].~~

~~[The court has concurrent jurisdiction with a justice of the peace in any precinct in which the city is located in criminal cases within the justice court jurisdiction that:~~

~~[(1) arise within the territorial limits of the city; and~~

~~[(2) are punishable only by fine not to exceed \$500.~~

~~[(c)] The court has jurisdiction over cases arising outside the territorial limits of the municipality [city] under ordinances authorized by Sections 215.072, 217.042, 341.903, and 401.002, Local Government Code [Subdivision 19, Article 1175, Revised Statutes].~~

SECTION _____. (a) The change in law made by this Act applies only to jurisdiction for an offense committed on or after the effective date of this Act. For the purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) Jurisdiction for an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 1648, as amended, was passed by (Record 168): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C); Hartnett.

Absent, Excused — Hudson; Thompson.

Absent — Davila; Moreno; Ramsay.

MESSAGE FROM THE SENATE

Austin, Texas, April 11, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 121 by Barrientos, closing State offices in observance of Good Friday.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to the following: **SB 584** by 31 Yeas, 0 Nays; **SB 25** by Viva Voce Vote; **SB 97** by Viva Voce Vote; **SB 253** by Viva Voce Vote.

Respectfully,
Betty King
Secretary of the Senate

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions and Investments, on adjournment today, Desk 20, to consider **HB 384**.

HR 577 - ADOPTED

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 577**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Dukes,

HR 577, Honoring Albertina Walker.

The resolution was adopted without objection.

HR 578 - ADOPTED

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 578**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Dukes,

HR 578, Commending the volunteers of Christopher House.

The resolution was adopted without objection.

HCR 162 - ADOPTED

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 162**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Craddick,

HCR 162, Honoring Dorothy and Clarence Scharbauer, Jr., for their philanthropic support of Midland College.

The resolution was adopted without objection.

**SCR 121 - ADOPTED
(Wolens - House Sponsor)**

Representative Wolens moved to suspend all necessary rules to take up and consider at this time **SCR 121**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 121, Concurring that all state departments and agencies be closed for a half day, emergency services excepted, beginning at noon on Friday, April 14, 1995.

The resolution was adopted without objection.

RULES SUSPENDED

Representative Goodman moved to suspend the 5-day posting rule to allow the Committee on Juvenile Justice and Family Issues to consider **HB 336**.

The motion prevailed without objection.

Representative Seidlits moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **HB 1093** and **HB 2968**.

The motion prevailed without objection.

Representative Oakley moved to suspend the 5-day posting rule to allow the Committee on Public Safety to consider **HB 932**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Financial Institutions, on recess today, Desk 27, to consider pending business.

Energy Resources, Subcommittee on **HB 2520**, on recess today, Desk 18, to consider **HB 2520**.

Juvenile Justice and Family Issues, on recess today, Desk 34, to consider **SB 121**, **HB 138**, **HB 603**, and **HB 336**.

Licensing and Administrative Procedures, 1:30 p.m. today, Room 104, Reagan Building, to consider posted bills.

Agriculture and Livestock, on recess today, Desk 17, to consider **HB 2892**.

Public Health, 2 p.m. today E2.016, Capitol Extension, to consider posted bills.

State Affairs, 2 p.m. today, Room 106, Reagan Building, to consider **HB 1093** and **HB 2968**.

Public Education, 2 p.m. today.

Business and Industry, Subcommittee on **HB 2670**, 2:55 p.m. today, E2.014, Capitol Extension, to consider **HB 2670**.

Civil Practices, Subcommittee on **HB 2603**, on recess today, Desk 69, to consider **HB 2603**.

Economic Development, on recess today, Desk 61, to consider **HB 2858**.

Economic Development, Subcommittee on **HB 622**, 2:30 p.m. today, E2.024, Capitol Extension, to consider **HB 622**.

RECESS

Representative Oakley moved that the house recess until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 12:16 p.m., recessed until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Agriculture and Livestock - **HB 1168**

Business and Industry - **HB 1227**

Criminal Jurisprudence - **HB 466, HB 1396, SB 68, SB 126, SB 129**

Financial Institutions - **HB 1320, HJR 73**

Higher Education - **HB 2467, SB 114**

Insurance - **HB 1670**

Juvenile Justice and Family Issues - **HB 886, SB 433**

Land and Resource Management - **HB 635, HB 1266, HB 1979**

Public Health - **HB 1048, HB 1366, HB 1495, HB 2209, HB 2212, HB 2288**

Public Safety - **HB 40, HB 713, HCR 78**

Transportation - **HB 247**

Urban Affairs - **HB 2509, HB 2696, HB 2805**

Ways and Means - **HB 1882, HB 2627**

ENGROSSED

April 6 - **HB 160, HB 200, HB 383, HB 475, HB 609, HB 645, HB 654, HB 670, HB 674, HB 767, HB 776, HB 941, HB 984, HB 1028, HB 1029, HB 1030, HB 1031, HB 1144, HB 1187, HB 1302, HB 1323, HB 1337, HB 1343, HB 1393, HB 1475, HB 1486, HB 1600, HB 1647, HB 1736, HB 1754, HB 2062, HB 2096, HB 2171, HB 2173, HB 2183, HB 2230, HB 2373, HB 2642, HB 2647, HB 2727, HB 2998, HB 3157, HCR 53**

April 10 - **HB 1863**

ENROLLED

April 6 - **HB 1527, HCR 19, HCR 88, HCR 122**

SENT TO THE GOVERNOR

April 6 - **HB 666, HCR 48, HCR 49, HCR 141, HCR 151**

April 10 - **HB 655, HB 1527, HCR 19, HCR 88, HCR 122**

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